

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3
4 IN THE MATTER OF:)
5)
6 VOLUME TELECOM, LLC)
7) No. 04-0607
8 Application for a certificate of)
9 interexchange authority to operate)
10 as a reseller of telecommunications)
11 services within the State of Illinois.)
12)
13
14 Chicago, Illinois
15 October 28, 2004
16
17 Met, pursuant to notice at 11:00 a.m.
18
19 BEFORE:
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21 Ms. Leslie Haynes, Administrative Law Judge.
22
23 APPEARANCES:
24
25 MR. PATRICK CROCKER
26 Barly, Lennon, Crocker & Bartosiewicz
27 900 Comerica Building
28 Kalamazoo, Michigan 49007
29 for the applicant.
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32 SULLIVAN REPORTING COMPANY, by
33 FRANCISCO E. CASTANEDA, CSR,
34 License No. 084-004235
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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
BRIAN TIMMONS	4				8

<u>APPLICANT'S</u>	<u>E X H I B I T S</u> <u>For Identification</u>	<u>In Evidence</u>
	NONE.	

1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 No. 04-0607, this is the application of Volume
4 Telecom, LLC.

5 May I have the appearance for the
6 record please.

7 MR. CROCKER: Yes, Patrick Crocker,
8 C-r-o-c-k-e-r with Barly, B-a-r-l-y, Lennon,
9 L-e-n-n-o-n, Crocker, C-r-o-c-k-e-r, and Bartosiewicz
10 B-a-r-t-o-s-i-e-w-i-c-z, 900 Comerica Building.
11 That's C-o-m-e-r-i-c-a building, Kalamazoo,
12 K-a-l-a-m-a-z-o-o, Michigan 49007, appearing on
13 behalf of the applicant, your Honor, with witness,
14 Brian Timmons, providing testimony in support of the
15 applicant today.

16 JUDGE HAYNES: Are you licensed to practice law
17 in the State of Illinois?

18 MR. CROCKER: No, I'm not, your Honor. To that
19 extent, I'd like to move to have me admitted
20 pro hoc vice for the purpose of this application
21 only.

22 JUDGE HAYNES: That request is granted.

1 MR. CROCKER: Thank you, your Honor.

2 JUDGE HAYNES: Mr. Timmons, I need to swear you

3 in.

4 MR. BRIAN TIMMONS: Okay.

5 JUDGE HAYNES: Please raise your right hand.

6 (Witness sworn.)

7 JUDGE HAYNES: Thank you.

8 Please proceed, Mr. Crocker.

9 MR. CROCKER: Thank you, your Honor

10 BRIAN TIMMONS,

11 having been called as a witness herein, after having

12 been first duly sworn, was examined and testified as

13 follows:

14 DIRECT EXAMINATION

15 BY

16 MR. CROCKER:

17 Q Mr. Timmons, could you please state your

18 name and business address for the record.

19 A Yeah. My name is Brian Timmons,

20 T-i-m-m-o-n-s. Our business address is 5601 South

21 Broadway, Suite 401 in Littleton, Colorado 80121.

22 Q Great. And what is your occupation?

1 A I am the managing partner for Volume
2 Telecom.

3 Q And is the purpose of your testimony today
4 to describe the nature of your company business and
5 to demonstrate your company's financial managerial
6 and technical ability to provide the service
7 contemplated in this application?

8 A Yes, it is.

9 Q Okay. Could you please briefly describe
10 the nature of the telecom services that you intend to
11 offer customers in Illinois.

12 A Yeah. We sell dedicated interstate and
13 intrastate long-distance services both inbound and
14 outbound.

15 Q Okay. And where was your company
16 organized?

17 A Colorado.

18 Q Okay. And there's a copy of the articles
19 of organization attached to the initial application?

20 A Yes, it is.

21 Q Okay. Could you please briefly describe
22 your background and business and telecommunications?

1 A Yes. I graduated from Washington State in
2 1990 and started working for a telecommunications
3 company. It has been in telecommunications ever
4 since. Was vice president of wholesale sales for a
5 company, ICC Communications in Colorado. With them
6 for six years. The previously nine years I was
7 with -- it ended up being MCI through a bunch of
8 acquisitions. And I started Volume Telecom in May of
9 this year.

10 Q Okay. Could you please identify the
11 current management team and some of their
12 responsibilities?

13 A Yeah. In addition to myself, my business
14 partner is Jason McKeston. Jason's background is in
15 sales and sales management with telecommunication
16 companies. He's been doing this for about ten years,
17 our VP of operations, formerly with ICC
18 Communications, is an expert in provisioning and
19 sales operations.

20 Q Okay. Does the company intend to offer
21 operator services in Illinois?

22 A No. We are going to review that at a later

1 date as we expand our service offerings; but today,
2 no.

3 Q Okay. And what rates will you charge
4 services provided to customers in Illinois?

5 A It's based on our tariffs, but it really is
6 determined by the customer location, our cost to
7 provide service for that customer and the terms of
8 the individual contract based on their volume.

9 Q Okay. And has the company's financial
10 circumstances adversely changed since we filed this
11 application?

12 A No.

13 Q And what verification method will the
14 company utilize when verifying orders to change
15 long-distance service?

16 A We follow the FCC's procedures.

17 Q Okay. And do you have a procedure for
18 handling consumer complaints?

19 A Yes.

20 Q Okay. And could you tell me if you have an
21 800 number or toll-free number for your end-users to
22 use.

1 A We do.

2 Q And will you be invoicing your end-users on
3 a monthly basis for your services?

4 A Depending upon their credit qualification,
5 monthly or semimonthly.

6 Q Okay. And will this toll-free number
7 appear on the bill?

8 A Yes, it does.

9 Q And will your name appear on the bill?

10 A You know, I'm not sure if my name appears
11 on the bill, but the --.

12 Q Will the company name appear on the bill?

13 A Yeah, Volume Telecom.

14 Q Okay.

15 MR. CROCKER: Your Honor, I don't have any
16 further questions at this time. I open the witness
17 up for cross-examination.

18 JUDGE HAYNES: I just have a couple questions.

19 EXAMINATION

20 BY

21 JUDGE HAYNES:

22 Q Who are the stockholders and officers of

1 this company?

2 A We are an LLC. We're organized with
3 members. We have Class A membership, which is made
4 up of five employees. And we've got Class B
5 membership, which is made up of 11 investors. The
6 investors have between 1 and 4 percent ownership
7 based upon the investment that they put into the
8 company.

9 Q Could I have the names of the five Class A
10 members.

11 A Yes. Brian Timmons, that's me. Jason
12 McKeston, managing partner as well. Christopher
13 Werpy, W-e-r-p-y, is our VP of operations. Tammy
14 Timmons is the vice president of marketing and
15 general management. And David Sroka, spelled
16 S-r-o-k-a, is the director of wholesale sales.

17 Q Do any of those individuals have an
18 interest ownership or otherwise in any other entity
19 that has provided or is currently providing
20 telecommunications services?

21 A No.

22 Q Does Volume Telecom have any complaints

1 against it in any state?

2 A No.

3 Q And which state does the company intend to
4 keep its books?

5 A Colorado.

6 Q Does the company agree to pay for the
7 expense of the Commission staff doing an audit?

8 A I'm not sure I understand the question.

9 Q If our staff wants to look at the company's
10 books, the company could -- would be responsible for
11 paying for the expense of our staff to inspect those
12 books. Do you realize that?

13 A Yes. Yes.

14 Q And do you understand that you must file
15 rates and tariffs with the Commission prior to
16 offering service?

17 A Yes.

18 Q Have any complaints been filed against the
19 applicant for slamming or cramming?

20 A No.

21 Q Okay. I believe you testified that you
22 would comply with the FCC regulations for slamming

1 and cramming. How about our state regulations?

2 A Yes. Absolutely.

3 JUDGE HAYNES: Okay. I have no further
4 questions.

5 Is there any final statement you would
6 like to make?

7 MR. CROCKER: No, your Honor. I think you've
8 covered everything.

9 JUDGE HAYNES: Okay. I will mark the record
10 heard and taken.

11 MR. CROCKER: Thank you.

12 JUDGE HAYNES: Thank you.

13 HEARD AND TAKEN

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